

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04 104 93 GAO
CIVIL ACTION NO.

MANUEL ROSA
Plaintiff,

v.

CITY OF BOSTON,
Defendant.

MAGISTRATE JUDGE *Rbl*

RECEIPT # 54486
AMOUNT \$ 150
SUMMONS ISSUED N/A
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED
BY DPTY. CLK. F.O.M
DATE 3-11-04

NOTICE OF REMOVAL
(Pursuant to 28 U.S.C. §1441)

The Defendant, City of Boston, petitions, pursuant to 28 U.S.C. § 1441, for removal from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts the action entitled *Manual Rosa v. City of Boston*, currently pending in Suffolk County as Civil Action No. 04-0179.

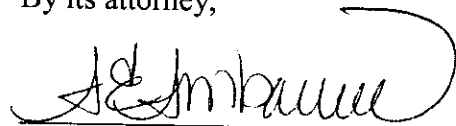
1. This action alleges that Defendant, City of Boston violated the federal civil rights of Plaintiff, Manuel Rosa by false arrest and imprisonment without cause;
2. Plaintiff specifically alleges that Defendant, City of Boston violated 42 U.S.C. § 1983. This action clearly “arises under the Constitution treaties or laws of the United States” and is therefore removable under 28 U.S.C. §1441;
3. A fair reading of the facts and theories as a whole make it apparent that federal constitutional law and issues are an essential part of the case and

therefore, Defendant, City of Boston has the statutory right to remove this action;

4. This Notice of Removal is being filed within thirty (30) days of service upon Defendant, City of Boston.

WHEREFORE, Defendant, City of Boston petitions that this action be removed.

Respectfully submitted,
DEFENDANT, CITY OF BOSTON,
By its attorney,

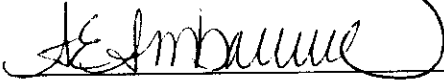
A handwritten signature in black ink, appearing to read 'Amy E. Ambarik', with a large, sweeping flourish at the end.

Amy E. Ambarik – BBO # 637348
Assistant Corporation Counsel
City of Boston Law Department
Room 615, Boston City Hall
Boston, MA 02201
(617) 635-4099

CERTIFICATE OF SERVICE

I, Amy E. Ambarik, hereby certify that on this date I served, by mail, a copy of the Defendant, City of Boston's *Notice of Removal* upon Arthur L. Kelly, Esq., 580 Washington Street, Suite 2B, Newton, Massachusetts 02458.

3/11/04
Date


Amy E. Ambarik